THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO. 893 OF 2007

DATE: 12-11-2007

Between:

C.Adi Bhairava Murthy & 2 others
Appellants/Third parties

And

1. N.Narasimha Reddy and 3 others .. Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO. 893 OF 2007

ORDER: (per THE HON'BLE SRI JUSTICE BILAL NAZKI)

Heard the learned counsel for the parties.

This writ appeal is filed by third parties to the writ petition. The petitioner-respondent had filed the writ petition challenging the order of reversion passed against him on 29.5.1997. This order makes a reference that on the basis of the report submitted by the Four Member Committee of the Executive Council, the petitioner was reverted to his temporary post of Senior Assistant. It is not disputed that the writ petitioner had been promoted in the year 1995 and then he was reverted in the year 1997. It is also not in dispute that at no point of time, the writ petitioner had been given any notice and he was not heard at any stage. The report of the so-called Four Member Committee was not made available to him. Therefore, the Learned Single Judge found the order to be against the principles of natural justice and quashed it. The Learned Single Judge directed the respondents 1 and 2 in the writ petition to restore the petitioner to the post of Superintendent. This order of the learned Single Judge has now been challenged by way of this appeal by some of the employees.

Learned counsel for the appellants submits that the rule of natural justice cannot always be insisted upon, particularly, in cases where the person complaining violation of rules of natural justice does

not get prejudiced. He relies on a judgment of the Supreme Court in **Ashok Kumar Sonkar v. Union of India**[1]. The judgment of the Supreme Court reiterates the principles, which are well settled and it also insists that the rules of natural justice must be followed. In the present case, we are not in a position to decide who was senior to whom, whether the appellants were senior or the writ petitioner was senior. It appears that the writ petitioner was reverted on the ground of re-fixation of his seniority. But at no point of time he was given a chance to make out his case known to the authorities. Therefore, the prejudice is manifest. No fault can be found with the order of the Learned Single Judge.

The writ appeal is accordingly dismissed. However, it is for the respondent – University, if they so choose, to proceed against the writ petitioner in accordance with law and pass appropriate orders, after hearing him and following the rules of natural justice.

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BILAL NAZKI,J

Date: 12-11-2007

RAMESH RANGANATHAN,J

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[1] (2007) 4 SCC 54